

**Noise Control Council Meeting Minutes**  
**February 10, 2004**

**Attendees**

Joe Lepis, Chair	Chief Philip Muller	David Triggs, NJDEP
Dr. Iris Udasin	John Surmay	Dr. Joseph Soporowski
John Kapferer	Renu Agrawal	Eric Zwerling, RNTAC
Michael Klewin		

**Absent**

Mike Lakat,	Ed DiPolvere	Nicholas Fiore
Carol Pennenga	George Miller	

**State Noise Control Code Amendments**

The State Noise Control Code expires on May 19, 2005. The Council will devote the March and April meetings to amendments to the regulation in 7:29-1 and May to amendments to 7:29-2. Comments should be e-mailed to Chairman Lepis before the next meeting. A copy of the code was sent to all members (another copy is attached). Some of the possible issues include removing the railroad exemption, multi-use properties such as dormitories on a college campus, dealing with motor vehicles on arrival/departure to commercial/industrial facilities and changing the language regarding decibel levels to "reflect the character of the local environment."

**Meeting Schedule Vote**

The Council voted on whether to continue meeting monthly or quarterly. John Surmay motioned to keep the meetings to once per month which was seconded by Dr. Udasin. The Council unanimously agreed with a 7-0 vote. The primary reasons were the full agendas for 2004 and the belief that a decrease in meetings would not necessarily increase attendance. Quarterly meetings could also result in having to pay for the meeting room. An attendance memo from Chairman Lepis was distributed to all of the members requesting 50% attendance for the yearly meetings. Members who can not fulfill this obligation will be asked to relinquish their position.

**Federal Train Horn Rule**

A summary of the Federal Train Horn Rule was passed out. Although it is too late to submit comments, Council members are encouraged to read the summary for discussion at a later meeting or for inclusion as part of the State Noise Code 7:29-1 revisions.

### **Subcommittee on Motor Vehicle Muffler Noise**

Attendees: Mike Klewin, Joe Lepis, John Surmay, Chief Phil Muller, David Triggs and Eric Zwerling

The issue is loud, large-bore, after-market muffler noise throughout the state. The police have a hard time enforcing these sources of noise. Some police departments have asked the MVC to issue inspection recalls on vehicles ticketed for excessive noise. A concern exists that MVC inspectors currently use a subjective standard that is ambiguous. A number of options were discussed which include amending inspection regulations to include exhaust noise and to have inspection recall for problem vehicles referred by police or a noise control officer. States such as California have been more proactive by setting up facilities to inspect vehicles that have been issued summonses to determine if tickets issued for excessive noise are valid. Some problems include the fact that Federal regulations don't cover passenger vehicles. The New Jersey noise statute would have to be amended to cover moving vehicles for which there is ample power and evidence in the Noise Control Act. The most viable option might be to include the term mufflers as a "noise emission control device." The DEP would then regulate mufflers by forcing industry to manufacture mufflers that do not exceed an established decibel level. Apparently there is interest from two Assemblymen who authored a letter regarding the issue of muffler/vehicular noise. The Council should consider issuing a letter and a resolution requesting that the Assemblymen sponsor legislation to change the wording in the State Noise Control Statute which presently calls for excessive "smoke and noise" to be emitted by a muffler. Wording would be changed to "smoke or noise" to reduce challenges to tickets.

**THE NEXT MEETING WILL BE AT 9:30 AM ON MARCH 9<sup>TH</sup> AT THE RUTGERS LABOR EDUCATION BUILDING. PLEASE SUBMIT YOUR COMMENTS REGARDING PROPOSED CHANGES TO THE STATE NOISE CODE TO JOE BEFORE PRIOR TO THE MEETING.**